

Remarks

1. Summary of the Office Action

In the Office Action mailed October 4, 2010, the Examiner: (i) rejected claims 30, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, and 73 under 35 U.S.C. § 102(b) as being anticipated by DE 19952998 (Exner); (ii) rejected claims 46 and 49 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Exner in view of U.S. Patent Application Pub. No. 2001/0050448 (Kubo); and (iii) rejected claim 61 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Exner in view of U.S. Patent No. 5,134,569 (Masters).

2. Status of the Claims

Claims 30-93 are pending. Claims 31-33, 35, 36, 38-39, 41-42, 44-45, 47-48, 50-51, 53-54, 56-57, 59-60, 62-63, 65-66, 68-69, 71-72, and 74-93 are withdrawn. Of the remaining claims, claim 30 is independent and the remainder dependent. Applicant has amended claim 30 to clarify the invention. No new matter has been added.

3. Summary of Examiner Interview

Applicant thanks Examiners Kennedy and Del Sole for the in-person interview conducted on January 20, 2011, during which Applicant's representative, Michael Baniak, and the Examiners discussed the cited art and a proposed amendment to claim 30. Examiner Kennedy noted that the proposed amendment of simultaneous relative movement and active operation of the solidification device would overcome the Exner reference. Currently amended claim 30 reflects the proposed amendment discussed during the interview.

4. Response to Rejections

With respect to the rejection under 35 U.S.C. §102(b) by Exner, the independent claim (i.e., Claim 30) now recites that relative movement of the material application device and the support occurs during the action of the solidification device. Also, solidification does not herein mean a cooling-down of the material after it has been heated in the presently claimed invention.

As previously shown, and in contrast to the claimed invention, Exner moves the construction spaces and activates the laser in separate steps. Exner teaches that powder is shifted from the supply containers 4a, 4b to the construction spaces 3a, 3b, when the cover plates 7a, 7b (together with the attached doctors) are moved. In a *subsequent* step, the 4th step, the "layer is

processed". Here, "processing" means sintering/fusing of the powder by means of a laser (see third and fourth paragraphs on page 16).

Furthermore, Claim 30 also recites a drive that generates a relative movement and a controller for the drive and the solidification device. The drive 20 is disclosed in page 3, line 22, of the application as filed and the operation is described at least on page 3, lines 24-30 through page 4, lines 1-8. The controller is described at least on page 3, line 22. Furthermore, the term "solidification device" is, for example, mentioned on page 3, line 15, where it is stated that the solidification device might be a laser 21. On page 3, lines 24-30 through page 4, lines 1-8, it is mentioned that the laser solidifies the material within a solidification region 11, below which the building container 4 is moving.

Thus, it is clearly set out in the claims that there is a relative movement during the action of the solidification device and that the solidification device causes solidification of the material. This relative movement is controlled by the controller "such that, *during active operation of said solidification device on said building material in said solidification region, said drive is simultaneously generating a relative movement of said material application device and said support with respect to each other, along with application of building material.*"

This is not taught or suggested by Exner. In fact, Exner teaches the opposite of what is being claimed and therefore cannot anticipate the independent claim or any claim dependent therefrom.

With respect to the obviousness rejection under 35 C.F.R. §103(a) of Claims 46 and 49, Kubo does not make up the above-note deficiency of Exner. Kubo is used merely to allegedly supply variation of feed velocity and/or rotation velocity. This does not address the above-noted deficiencies of Exner. Therefore, there is no *prima facie* case of obviousness when Exner is combined with Kubo.

Similarly, Masters, which is used under 35 C.F.R. §103(a) to reject Claim 61, does not supply the deficiencies of Exner. Masters is allegedly used to supply rotational movement on a non-circular path. However, this does not address the above-noted deficiencies of Exner. Therefore, there is no *prima facie* case of obviousness when Exner is combined with Masters.

Reconsideration is requested and notification that all the non-withdrawn claims are allowable over the cited prior art is solicited.

Respectfully submitted,

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